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FILED
MAR 24 2003
JUDGE MARINA CORODEMUS

MICHAEL JOSEPH BOBACK, a minor
by his Guardian *ad Litem*

MICHAEL JAMES BOBACK and MARYANN
BOBACK, as Guardians Ad Litem of
MICHAEL JOSEPH BOBACK and DIANA
BOBACK, their minor children,

Plaintiffs,

v.

UNION CARBIDE CORPORATION; CIBA
SPECIALTY CHEMICALS CORPORATION;
CIBA-GEIGY CORPORATION; NOVARTIS
CORPORATION; TOMS RIVER CHEMICAL
CORPORATION; SANDOZ CORPORATION;
CIBA STATES LTD; GEIGY CHEMICAL
CORPORATION; UNITED WATER
RESOURCES, INC.; UNITED WATER TOMS
RIVER, INC.; and TOMS RIVER WATER
COMPANY

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

DOCKET NO. L-10442-01
CIVIL ACTION

**AMENDED ORDER ENTERING
JUDGMENT AND DIRECTING
DEPOSIT OF FUNDS**

THIS MATTER having come before the Court in accordance with R.4:44-3 and the attorneys for the parties having reported to the Court that a settlement of the minor plaintiff's claim has been arrived at between the plaintiff(s) and the defendant(s), and the Court having then taken

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proofs on the record and having approved said settlement;

IT IS on this 24th day of March, 2003,

ORDERED that Judgment is entered on behalf of **MICHAEL JOSEPH BOBACK**, a minor by his Guardian *ad Litem* and in favor of **MICHAEL JAMES BOBACK** and **MARYANN BOBACK**, as Guardians *ad Litem*, in the gross amount of \$405,574.66 against the defendant(s) **UNION CARBIDE CORPORATION; CIBA SPECIALTY CHEMICALS CORPORATION; CIBA-GEIGY CORPORATION; NOVARTIS CORPORATION; TOMS RIVER CHEMICAL CORPORATION; SANDOZ CORPORATION; CIBA STATES LTD; GEIGY CHEMICAL CORPORATION; UNITED WATER RESOURCES, INC.; UNITED WATER TOMS RIVER, INC.; and TOMS RIVER WATER COMPANY** without costs and/or interest; and

IT IS FURTHER ORDERED that the said gross settlement in the amount of \$405,574.66 shall be paid by defendants in two equal installments to be deposited into a Qualified Settlement Fund (468 (B) Trust) with the following deductions:

- a. \$ 7,600.00 for actual disbursements, costs and expenses and
- b. \$ 99,493.66 for attorneys' fees (25%); and
- c. \$ N/A for medical bills to be paid as follows: _____
- d. \$ 85,215.83 net Medicaid lien.
- e. \$ N/A Reimbursement to New Jersey Catastrophic Fund For Children.
- f. \$ 157,000.00 to Special Needs Trust pursuant to N.J.S.A. 3B:11-19, et sec.
in the form of a cash distribution as outlined in the Michael Joseph Boback Trust Agreement annexed hereto as Exhibit "A".
- g. \$65,000 to be used towards the purchase of a new home which will be titled partly

in the name of Michael Joseph Boback, whose ownership interest in the new home shall be determined by the following fraction: 65% of the proceeds of the old home, plus \$65,000, divided by the cost of the new home. Mr. and Mrs. Boback shall make a full accounting to the court of all proceeds received and disbursed in connection with the sale of their existing home and purchase of the new home;

IT IS FURTHER ORDERED pursuant to R.4:48A that the total above aforesaid amount shall be paid by or on behalf of the defendant(s) into the 468 (B) Trust consisting of two installment payments (the first installment payment will be disbursed three (3) business days after receipt by defendants of a certification of counsel for the Residents certifying court approval to all settlements requiring court approval and the second installment shall be paid into escrow on the first anniversary of the due date for the payment of the first installment into escrow).

IT IS FURTHER ORDERED THAT THE MASS MUTUAL TRUST COMPANY, FSB, is hereby designated as Trustee of the Michael Joseph Boback Trust. The posting of a bond by The Mass Mutual Trust Company, FSB is hereby dispensed with pursuant to N.J.S.A. 3B:15-16.

IT IS FURTHER ORDERED that the attorney for the plaintiff deliver a copy of this Order to all parties within 7 days of the date hereof.

Marina Corodemus

THE HONORABLE MARINA CORODEMUS, J.S.C.